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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
KNA DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 2432
v.	COMPLAINT FOR VIOLATION OF:
Jose ALVAREZ-Santiago, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 4, 2008** within the Southern District of California, defendant, **Jose ALVAREZ-Santiago,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **6th** DAY OF **AUGUST, 2008**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

DOA 8/4/08 KNA

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CONTINUATION OF COMPLAINT:
Jose ALVAREZ-Santiago

PROBABLE CAUSE STATEMENT

On August 4, 2008, Border Patrol, Agent J. Nizich-Boone was assigned to Transport duties in the Chula Vista Border Patrol area of operations. Agent Nizich-Boone responded to a radio call from Sector Commication via Service Radio regarding a call from San Diego Police Department. San Diego Police Department Officer V. Laguda, requested assistance in identifying four individuals 13th and K Street in San Diego, California. Agent Nizich-Boone responded to the area at approximately 10:15 a.m. and approached the four individuals. Agent Nizich-Boone identified herself as a United States Border Patrol Agent and questioned the subjects as to their citizenship and nationalities. One individual, later identified as the defendant, **Jose ALVAREZ-Santiago** stated that he was a citizen and national of Mexico with no immigration documents that would allow him to be in or remain in the United States legally. At approximately 10:30 a.m., Agent Nizich-Bonne placed ALVAREZ under arrest and transported him to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 27, 2008** through **San Ysidro, CA.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.